IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24/02/2005

CORAM

THE HON'BLE MR.MARKANDEY KATJU, THE CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.MURUGESAN

W.A.No.4201 of 2004 and W.A.No.4209 of 2004

Navaladian Small
Farmers Lift
Irrigation Society
A Society regd. Under Tamil Nadu
Societies Registration Act
bearing No.33/94 having office at
23-A, Kulalar Street
Valayapatti Road, Mohanur Appellant in
Namakkal rep. by its Secretary .. W.A.No.4201 of 2004

S.P.Kandasamy .. Appellant in
W.A.No.4209 of 2004

-Vs-

01. K.Thangavel
02. R.Sivagnanam
03. K.Ramasamy
04. Nallusamy
05. S.R.Periasamy
06. P.Ganesan
07. C.M.Krishnamoorthy
08. R.Navaladi
09. P.Subramaniam
10. S.Thangavel
11. G.Selvaraj
12. N.Viyapuri
13. S.Pandian
14. N.Muthusamy
15. S.Panneerselvam
16. S.Chinna Gounder
17. M.Ramasamy
18. M.Velusamy (Sarkarai)
19. V.Ravi
20. G.Thangaraj
21. P.K.Mani

22. K.Periasamy
23. K.Ramasamy
24. P.Kumarasamy
25. P.Kolanda Gounder
26. C.M.Palanisamy
27. P.Thangavel
28. K.Arivazhagan
29. A.Marimuthu
30. A.Subramaniam
31. A.Kuppusamy
32. A.Arumugam
33. P.Ponnusamy
34. N.Ramasamy
35. K.Kaliannan
36. K.Kandasamy Gounder
37. S.Ramasamy
38. M.Kandasamy (Manal)
39. P.Kandasamy
40. K.Ramasamy
41. S.Kandasamy .. Respondents 1 to 41
in both the W.As.

S.P.Kandasamy .. 42nd respondent in
W.A.No.4201 of 2004
Navaladian Small Farmers Lift
Irrigation Society
A Society regd. Under Tamil Nadu
Societies Registration Act
bearing No.33/94 having office at
23-A, Kulalar Street
Valayapatti Road, Mohanur 42nd respondent in
Namakkal rep. by its Secretary .. W.A.No.4209 of 2004

43. S.P.K.Seerangan
44. N.Sellappan
45. K.Kandasamy
46. N.Chinnasamy
47. K.Sellappan
(RR 42 to 47 given up in both appeals)

48. The District Registrar
Administration cum Election Officer
Namakkal .. 48th respondent in
both the W.As.

Writ Appeals filed under Clause 15 of the Letters Patent, against the order dated 23.12.2004 made in W.P.No.18035 of 2003.

!For Appellants :: Mr.A.L.Somayaji
Addl. Advocate General
for Mr.S.Saravanan and

Mr.M.M.Sundresh

^For Respondents :: Mr.K.Yamunan for
RR 1 to 8, 10 to 26,
28 to 32 & 35 to 41
RR 42 to 47 - given up
Mr.V.Raghupathi
Govt. Pleader for R48

:JUDGMENT

(Judgment of the Court was delivered by
The Hon'ble The Chief Justice)

These writ appeals have been filed against the judgment of the learned single Judge dated 23.12.2004.

2. We have heard the learned counsel for the parties and perused the records. It appears that an election was held to the Executive Committee of the Navaladian Small Farmers Lift Irrigation Society, a Society registered under the Tamil Nadu Societies Registration Act on 29.5.2003. That election was challenged by filing the writ petition, out of which these writ appeals arise.

3. We have held in "S.Thamil Arasan, President of Chennai Vyasarpadi Nadar Progressive Association, Chennai Vs. R.Narayanan & another (20 05 (1) CTC 399)", that where a challenge is sought to be made to the validity of an election of a society, that challenge can only be by means of a civil suit. Hence, the writ petitioners have an alternative remedy of filing a civil suit, and writ jurisdiction was not the proper remedy.

4. For the reasons given above, the impugned judgment is set aside with liberty to the writ petitioners to file a civil suit challenging the election. If such a suit is filed, the same will be decided very expeditiously after hearing the parties concerned in accordance with law. The writ appeals are allowed. Consequently, W.A.M.P.Nos.7966, 7980 of 2004 & W.A.M.P.No.122 of 2005 are closed. No costs.

Index: yes
Internet: yes

ss

To

1. The District Registrar
Administration cum Election Officer
Namakkal